An Impartial

# ACCOUNT

OF THE

# ARRAIGNMENT,

# TRYAL

AND

# CONDEMNATION

OF

# Stephen Colledge

FOR

# HIGH-TREASON,

IN

Conſpiring the Death of the KING, the Levying of War, and the Subverſion of the GOVERNMENT.

Before the Right Honourable Sir *Francis North*, Lord Chief Juſtice of the Court of *Common-Pleas*, and other Commiſſioners of *Oyer* and *Terminer* and Gaol Delivery held at the City of *Oxon* for the County of *Oxon*, the 17th and 18th of *Auguſt*, 1681.

*LONDON*:
Printed for *Richard Baldwin* in *Ball*-Court in the *Old-Baily*. 1682.

BIBLIOTHECA·BODLEIANA·

An Impartial

# ACCOUNT

OF THE

# ARRAIGNMENT, TRYAL

AND

# CONDEMNATION

OF

# Stephen Colledge.

Commissioners and Justices of *Oyer* and *Terminer*, and Gaol-delivery.

Present the
- Lord *Norreys*.
- Lord Chief Justice *North*.
- Mr. Justice *Jones*.
- Mr. Justice *Raymund*.
- Mr. Justice *Levyns*.

*The Indictment was read*, viz..

THat Stephen Colledge, *late of* Oxford, *Carpenter, the* 10th. *day of* March, *in the* 33d. *year of the King's Raign, at* Oxford, *did compass and imagine to move, stir up, and procure Sedition and Rebellion, and to cause and procure a miserable Slaughter of the King's Subjects; to depose and disinherit the King; to bring him to death and final destruction; to change and alter the Go-*

*vernment ; to ſubvert and deſtroy the ſtate of the Kingdom, and to levy War againſt the King: That he prepared Arms, armed himſelf, and incited and adviſed* Edward Turbervile *and others, to arm themſelves for that purpoſe: That he declared, that it was purpoſed and deſigned to ſeize the Perſon of the King at* Oxford: *That he would be one of them who ſhould ſeize him there: That no good was to be expected from the King; and that the King minded nothing but Beaſtlineſs, and his Peoples Deſtruction, and did endeavour to eſtabliſh Arbitrary Government and Popery.*

The Priſoner being required to plead to this Indictment, he made theſe ſeveral Demands and Objections:

1. He deſired a Copy of the Indictment, he having been a cloſe Priſoner, and all along unacquainted with what was charged upon him, or ſworn againſt him: But the Court denied it, and ſaid, He could not have it by Law. And as to want of preparation for his Tryal, the Lord Chief Juſtice ſaid, They could not enquire what notice he had had; and yet if he had never ſo little time, and were juſt now taken and brought to the Bar, and never heard any thing of it before, yet that was no cauſe why he ſhould not plead.

2. He deſired a Copy of the Jury; for the Law giving him a liberty of challenging, it intends he may challenge thoſe perſons that he thinks will not do him juſtice: But how can he do that where they are Strangers to him, if he may not inform himſelf about them? The Court anſwered, That there was yet no Jury to give him a Copy of; for until he had pleaded, there was no iſſue joyned, and until iſſue joyned, there could be no Jury impannelled.

3. He deſired Councel, to adviſe him whether he had not ſomething in Law pleadable in Bar of the Indictment; which the Court denied, and ſaid, They were his Councel, and he ought not to have any aſſigned him, unleſs he firſt offered to the Court ſome Matter of Law fit to be argued; and that a defence in caſe of High-Treaſon, ought not to be made by artificial Cavils, but by plain Fact.

4. He demanded upon what Statute he was indicted; and the Court being informed by the Clerk of the Crown, that the Indictment was *contra formam Statut.* with an Abbreviation, told him, That that referred to all the ſeveral Statutes which are in force concerning High-Treaſon.

5. He told the Court, That in a Houſe over the way, ſince he was brought out of the Priſon, his Papers which contained Directions how to manage his Defence, were ſeized by the Keeper, upon pretence of bringing them to the Court: Thoſe he deſired might be reſtored to him before he pleaded; alledging, That thoſe Papers told him, that he had ſomething in Law to plead, but what that is he could not directly tell without them.

The ſaid Papers contained Directions how to govern himſelf at his Tryal; Inſtructions to demand a Copy of the Indictment, and of the Pannel of the Jury; and Queſtions to put to the Witneſſes; a Liſt of the Names of ſeveral men of the Countrey returned to be of the Jury, and

their

their Characters; a Paper containing a Speech beginning thus, *Before you plead, ſpeak to this purpoſe*; and another which was a Liſt of his Witneſſes.

The Court told him, That no body could ſolicit for one that is under an Accuſation of High-Treaſon, unleſs he be aſſigned by the Court: And after a long debate and much diſcourſe about theſe Papers, and how he came by them, the Court would have the Priſoner firſt plead to the Indictment, before they reſolved on any thing therein.

6. He ſaid, He was a Freeman of *London*, and by the Charter of the City of *London*, was not impleadable any where out of the Liberties of the City, in Pleas of the Crown: But the Court denied that a Freeman of *London* hath any ſuch priviledge.

7. The Indictment being again (at the Priſoner's requeſt) diſtinctly read to him, he deſired, ſeeing it mentioned a Plot and Conſpiracy by himſelf and others, that it might be firſt proved that there was ſuch a Plot, before they went about to prove him guilty of it, the like being done in the Caſe of the Lord *Stafford*: But the Court told him, He muſt plead firſt, and what way the King's Councel would then manage the Tryal, they knew not.

8. He deſired, That the Court (who were his Councel as well as his Judges) would tell him, whether he had any Matter in Law to plead to the Indictment, he being ignorant of the Law, and not knowing whether he had any ſuch Plea or no: The Court declared, They knew of nothing in Law that he had to plead; and if he had, yet he muſt propoſe the Matter of Law himſelf, for the Court could not do it. To which Mr. Attorney General added, That the Priſoner ſaid, He knew not of any Plea in Law he had, and therefore there is none; for, *De non apparentibus, & non exiſtentibus*, the Reaſon is the ſame; and that no man ought to propoſe his Plea for him, *Ignorantia juris non excuſat*: To which the Priſoner replied, *Shall my ignorance deſtroy me*, Mr. Attorney?

9. He ſaid, It may be he ought to plead, That the words were ſpoken in another place, than the place laid in the Indictment. The Court anſwered, Such a Plea was needleſs; for if nothing of Treaſon were proved to be ſaid or done in *Oxfordſhire*, he muſt be found *Not Guilty*.

10. He ſaid, He was indicted by the Name of *Colledge*, Carpenter, whereas he was no Carpenter, but a Joyner. The Court anſwered, That they knew no difference between a Carpenter and a Joyner, in Law; and that if he had been indicted by the Name of Labourer, it had been good.

11. Being required to plead *Guilty*, or *Not Guilty*, he told the Court, That having been kept a Priſoner, without Pen, Ink, or Paper, no converſation with his Friends, nor knowledge of the Fact, and being ignorant of the Law, or where or when he had a Right, if they forced him to this Plea, and it coſt him his Life, at their doors lye it, and then pleaded, *Not Guilty*.

And then after ſome further debate about the Priſoner's Papers, it was Ordered, That Mr. *Aaron Smith*, who was accuſed to have delivered ſome of thoſe Papers to the Priſoner, ſhould enter into a Recognizance of 100 *l.* to attend the Court during the Seſſion (which was done accordingly:)

dingly:) That the Speech ſhould be ſuppreſſed, as containing libellous and ſeditious Matter: That the Liſt of the Priſoner's Witneſſes ſhould be preſently delivered to him; and that the Paper of Inſtructions ſhould be put into the hands of Mr. *Gregory*, the Sheriff's Son, who was to ſuffer him to have the uſe of it in the interval before his Tryal, and to make uſe of them at his Tryal, that ſo yet they might be forth-coming, if Mr. Attorney General ſhould proſecute the parties who delivered them to the Priſoner.

And the Court adjourned till two, the ſame Afternoon.

At which time the Priſoner being again brought to the Bar, and the Jury impannelled and ready to be ſworn, he again deſired a Copy of the Jury; which was denied him.

*The Names of the Jury.*

| | | | |
|---|---|---|---|
| *Henry Standard.* | *John Shorter.* | *Roger Brown.* | *John Benſon.* |
| *William Bigg.* | *William Windlow.* | *Timothy Doyley.* | *John Peircy.* |
| *Robert Bird.* | *Charles Hobbs.* | *Ralph Wallis.* | *John Lawrence.* |

*Witneſſes for the King.*

Mr. *Dugdale.*

That the Priſoner, *Stephen Colledge*, hath been ſometimes mightily bent againſt Popery, and hath ſaid, Becauſe the King did not proſecute the *Papiſts*, as he thought ſufficiently, that the King was a *Papiſt* himſelf, and as deep in the Plot as any *Papiſt*, and had a hand in Sr. *Edmundbury Godfrey*'s death: That nothing was to be expected from him, but the introducing of Popery and Arbitrary Government. And this he ſpake at *Oxford*, at *Combe*'s Coffee-houſe, and at the Barber's Shop within the *Angel*-Inn.

That the day the King went out of *Oxford*, *Colledge* (preſently after the King was gone) being charging his Piſtols at the Barber's Shop within the *Angel*-Inn, ſaid, *Rowley was gone, the Rogue was afraid of himſelf, he was ſhirked away.*

That by *Rowley*, he meant the King, for that was his common application of the word.

That at other times he hath ſaid, That the King did not do thoſe things which are fair: That there was no truſt to be put in him, for it was the People we muſt truſt to: That we muſt look to arm our ſelves, and that he would arm himſelf, and be here at *Oxford*: That he ſaid, He had ſeveral ſtout men that would ſtand by him in it, and named Captain *Clinton*, Captain *Brown*, (who was in the Army againſt the late King) and *Don Lewis*: He ſaid, Their intention was for the rooting out of Popery, by which Name he always termed, the Church now eſtabliſhed by Law, as well as the *Papiſts*.

That *Colledge* accordingly brought thoſe three perſons with him to *Oxford*, and ſaid there, That he brought them for the defence of the *Proteſtant* Religion, againſt the King and his Adherents, in caſe there were any Riſing, which he expected; and that he had about 40 that were come down

down thither for that purpoſe; and that if the King did not yield to the Parliament, he ſhould be forced to it.

That when *Colledge* had Dr. *Tongue* at his Houſe, he ſaid, he had much ado to keep him in order, and that the Rogue had a mind to fling all upon the *Proteſtants*, meaning the Diſſenters.

That at *London* he likewiſe ſaid, He expected there would be ſomething done at *Oxford*, and that he would go thither with his Horſe and Arms, and thoſe Gentlemen before-named would go with him; and that let them begin when they would, he did not care how ſoon, his party was the greateſt party.

That the Deponent *Dugdale* ſaw *Colledge* have Piſtols in the Houſe where he was at *Oxford*.

That at *London*, *Dugdale* had as much Ribbon from *Colledge* as came to 40 ſhillings, with *No Popery*, *no Slavery*, wrought in it, which *Colledge* gave him to diſtribute among his Friends in the Countrey, who were Diſſenters, that they might be known by others that would wear the ſame.

That at *Richards*-Coffee-houſe in *London*, ſome Members of the Houſe of Commons earneſtly talking of the Parliament that was to be at *Oxford*, and of ſome Diſturbance likely to happen there, it was agreed, and *Colledge* was by, That it was the beſt way in Counties where the Parliament had the beſt intereſt in the People, to leave a Parliament-man in every County, that might manage the People.

That *Colledge* owned to *Dugdale*, That he himſelf was the Author of the Letter pretended to be to *Roger L'Eſtrange*, and to be intercepted, and ſhewed it to *Dugdale* in Manuſcript before it was printed, and told him he got it printed, and gave ſome of the Books to him and others to diſperſe.

That *Colledge* gave him another Paper, where all the Biſhops were changing their Hats for Cardinals Caps.

That *Colledge* ſung the Song called, *Rary Show*, to the Tune of, *I am a ſenſleſs Thing*, both at *Oxford*, and again at the Lord *Lovelace*'s Houſe, 4 miles from *Henly*, half a dozen times, and the Muſick play'd to him, my Lord himſelf being then at home, and Sir *Robert Clayton*, Sir *Thomas Player*, Mr. *Rouſe*, and he the ſaid *Dugdale*, being preſent: That he ſhewed him the ſaid *Dugdale* the Cut before it was printed, and ſaid, he was the Author of it, and after it was printed, gave him one, and explained it thus: The Pack is the Parliament: He who hath the Pack on his Back, is the King: By the two Faces is meant, That he is half *Proteſtant*, half *Papiſt*: Thoſe that follow him, are *Topham*, *Cooper*, *Hughs* and *Snow*: The company of Men there, is the Houſe of Commons: Then there is the King in the Mire, and the Biſhops, whom they thruſt into the Pack, when they have gotten him down into the Mire, and then they thruſt them all away, as 'tis in the Song, that is, King, Clergy-men, and all: And by *Louſe-hall* was intended *White-hall*, becauſe of its poverty. And this Explanation was made by *Colledge* at *London*.

(A great Bundle was then ſhewed by Mr. Attorney General, which he ſaid were Songs, Libels, and Ballads, ſeized in *Colledge*'s cuſtody, and which were to have been diſperſed over *England*.)

That there was a Libel in Manuſcript that very day the Sheriffs were to be choſen, which was the worſt *Dugdale* ever heard in his life againſt the

King

King and Government; and *Colledge* told him, the Printer durſt not print it, it was ſo dangerous.

Then Mr. *Dugdale* was croſs interrogated by the Priſoner, *viz.*

1. When and before whom did you firſt give this Evidence againſt me?

*Anſw.* Before Sir *Lionel Jenkins*, in *June* laſt, as I think, or much about the time you were taken.

2. Whether you did not then ſwear, that what you now ſay was ſpoken at *Oxford*, was ſpoken in *London*?

*Anſw.* I did not name *Oxford* then, but the ſame words were ſpoken in *London*, and over again at *Oxford*, and I have repeated for the moſt part only the words you ſaid at *Oxford*, but more was in the City than at *Oxford*: And at the Lord *Lovelace*'s Houſe you ſaid to me, That the King was a *Papiſt*, and deſigned Arbitrary Government.

3. What had you or was promiſed you to give this Information?

*Anſw.* Not the worth of a Groat, but what the King gave me for going down into the Countrey for my Charges.

4. Where in *Oxford* were the words ſpoken, and who was by?

*Anſw.* At *Combes*-Coffee-houſe, and at the *Angel*-Inn: At the Coffee-houſe no body was by, but at the *Angel* ſeveral: And at *London* ſeveral perſons were by when you railed at the King, and ſaid, He deſigned nothing but the introducing of Popery, and Arbitrary Government, and that he was a *Papiſt*, viz. Mr. *Starkey*, Mr. *Boſon*, Mr. *Baldwin*, and they and I rebuked you for it.

5. What Arms did you ſee of mine in *Oxford*?

*Anſw.* You had a Caſe of Piſtols before you, and ſome pocket-Piſtols: But *Colledge* replying, he had but one pocket-Piſtol, and that one he borrowed of *Dugdale* himſelf, *Dugdale* did not deny it, but ſaid, there were pocket-Piſtols in the Room, and *Colledge* had them in his hand.

6. The Priſoner interrogated *Dugdale* about what he had ſaid, of his being confederated with Captain *Brown* and others.

*Anſw.* There were ſeveral Gatherings of Money, and you paid Money, and told me, that the ſaid *Brown* had a good Allowance, and that you would ſpeak for a better for him, for he was able to do good ſervice when the time came.

7. Were you in my Company any where at *Oxford*, but in the Coffee-houſe, and at that Inn?

*Anſw.* Yes, at the *Chequer*, for two days together.

8. Was there any of this Diſcourſe you ſpeak of, paſſed there between us?

*Anſw.* I know I was with you in thoſe two places I mentioned before; you called me aſide to drink a glaſs of Mum, and there was none in that Room but us two at that Coffee-houſe.

9. Did I explain to you any Pictures at *London*, or owned I was the Author of them, and who was by?

*Anſw.* Yes, and there is one Picture that I have not ſhewed yet, which you explained to me, *viz.* That they were a parcel of Tantivy-men, riding to *Rome*, and the Duke of *York*, half Man, half Devil, trumpeting before them: And in *Rary-Show* in the Manuſcript it was, (ſpeaking of the King) *Now, now the Rogue is down*; [Note, in the Print it is, *Now, now, the Giant's down.*] And at the explaining of theſe Pictures Mr. *Baldwin* was by, who reproved you that you would be ſo open.

10. Was

10. Was there any body by at *Oxford* when you heard me talk of arming my ſelf?

*Anſw.* They were walking up and down in the Barber's Shop, and I know not whether they did hear or no.

Mr. *Stevens.*

When we ſearched *Colledge*'s Houſe, we there found in his Bed-chamber the firſt draught of the *Rary-Show*, and ſome that were printed.

Mr. *Atterbury.*

We then found upon *Colledges* Table in his Bed-chamber, an Original of *Rary-Show*, drawn with a Pencil in black Lead upon *Dutch* Paper, but 'tis ſince loſt.

Mr. *Sewell.*

Not finding ſuch Papers as I ſearched for in Mr. *Spur's* (*Colledge*'s Brother-in-law's) Houſe, I enquired of him where they were; he denied them a while, but at laſt ſaid, they were in the Hay-mow in the Barn; when we came there, *Spur* told me, that his Wife (*Colledge*'s Siſter) had taken them down; ſo we ran after her, and found her with all theſe Papers in a Bag.

Mr. *John Smith.*

That he and *Colledge* were intimately acquainted; and they both being at a Coffee-houſe near *Temple-Bar*, *Colledge* invited him to go dine with him at a Tavern, where Alderman *Wilcox* had provided a Dinner, and *Colledge* was invited: That as they two were going from the Coffee-houſe to the Tavern, and ſpeaking of the Bill againſt the Duke of *York*, *Colledge* told him, that *Rowley* (for ſo he called the King) was as great a *Papiſt* as the Duke of *York*, and every way as dangerous to the *Proteſtant* intereſt, as was too apparent by his arbitrary Ruling: That at the Tavern, before Dinner, (the moſt of the Company being drawn into Cabals, two and two) *Colledge* and *Smith* being together, *Colledge* told him, that Alderman *Wilcox* was one who gave freely to ſeveral people to buy Arms and Ammunition: Being asked, To what purpoſe? he ſaid, To bring the King to ſubmiſſion to his People; and added, That he wondred old *Rowley* did not conſider, how eaſily his Father's Head came to the Block, which he doubted not would be the end of *Rowley* at the laſt: And that after Dinner, the Company parting, *Colledge* invited *Smith* to his Houſe, to ſee how he was prepared with Arms and Proviſion.

That ſoon after *Colledge* met him, and took him home with him to Dinner, where he ſhewed him his Piſtols, Blunderbuſs, great Sword, Armour, Back and Breaſt, and Head-piece, covered over (as he thinks) with Chamblet; and, ſaid he, theſe are the things which will deſtroy the pitiful Guards of *Rowley*, that are kept up contrary to Law and Juſtice, to ſet up Arbitrary Power and Popery.

That a little before the Parliament met at *Oxford*, upon diſcourſe what Preparations the City was making, and how they were provided

with Powder and Bullets, *Colledge* ſaid, For his part he would go down to *Oxford*, for he expected a little ſport there, upon the Diviſions that were like to be between the King and Parliament; for, ſaid he, we expect that the King will ſeize upon ſome of the Members, and we are as ready as he, and for my part I will be there, and be one that ſhall ſeize him, if he ſecure any of the Members; and ſpeaking how the City was provided, ſaid, All is very well.

That after *Colledge* came up again, he ſaid, He went down in expectation of ſome ſport; but old *Rowley* was afraid, like his Grandfather *Jemmy*, and ſo ran away like to beſhit himſelf: He added, That if they had had any work, he was ready provided for them.

That afterwards *Colledge* told him, That *Fitz-Gerald* had made his Noſe bleed at *Oxford*, but before long he hoped to ſee a great deal more Bloud ſhed for the Cauſe.

That afterwards there being a diſcourſe of diſarming the City, *Colledge* ſaid, He was well provided, and if *Feverſham*, or any man, nay *Rowley* himſelf, ſhould attempt any ſuch thing, he would be the death of him, before any man ſhould ſeize upon his Arms.

That *Colledge* deſired *Smith* to get himſelf Arms, for he did not know how ſoon he might make uſe of them; and that he had an Armour from *Colledge*, which being too big for him, he returned it, and bought a new one.

That *Colledge* told him, The Parliament were agreed to ſecure the King, and in order to it, all Parliament-men came very well armed, and accompanied with Arms and Men; and he told him of a great Man, that had notice from all the Gentlemen of *England*, how well they came armed.

Then Mr. *Smith* was croſs interrogated by the Priſoner, *viz.*

1. What Religion are you of?

*Anſw.* A *Proteſtant.*

2. Where was the Diſcourſe after I came from *Oxford*?

*Anſw.* By the *Ditch-ſide.*

Mr. *Haynes.*

That there being a Warrant out againſt the Deponent *Haynes* for High-Treaſon, he deſired *Colledge* to ask Advice of a certain Perſon of Honour, whether he might ſuperſede the Warrant by putting in Bail: That *Colledge* bid the ſaid *Haynes* be of good chear, and ſaid, That the Parliament would ſit at *Oxford* ſoon, and that he ſhould not value the King a pin; for, ſaid he, he is in a worſe condition than you or I, for you ſhall ſee he ſhall be called to an account for all his Actions; for all the World may ſee that he reſolves to bring in Arbitrary Power and Popery; and unleſs he will let the Parliament ſit at *Oxford*, we will ſeize him there, and bring him to the Block, as we did the Logger-head his Father: The Parliament ſhall ſit at *Guild-hall*, and adjuſt the Grievances of the Subject, and of the Nation; and you ſhall ſee, ſaid he, that no King of his Race ſhall ever raign in *England* after him. And ſpeaking of the Duke of *Monmouth*, Alas, ſaid he, we make an Idol of him, to adumbrate our Actions, for fear we ſhould be diſcovered: Do you think the wiſe People of *England* ſhall ever make a Baſtard upon Record, King of *England*?

No;

No; though we praiſe his Actions, we cannot endure him, becauſe he is againſt his own Father. But, ſaid he further, unleſs the King expel from his Councel the Earl of *Clarendon*, *Lory Hide*, the Earl of *Halliſax*, and all the Tory Councellors, we will make *England* too hot for him. And diſcourſing how this could be done, ſaith he, We have in the City 1500 Barrels of Powder, and 100000 Men ready at an hours warning; and we have ordered every thing in a due method againſt the Sitting of the Parliament at *Oxford*; and you ſhall ſee *England* the moſt glorious Nation in the World, when we have cut off that beaſtly Fellow, *Rowley*. And ſpeaking of the King, he ſaid, He came of the Race of Buggerers, for his Grandfather King *James* buggered the old Duke of *Buckingham*; and he called him *Captain*, and ſometimes the *King*, and ſometimes *Rowley*. Then he railed at Judge *Pemberton*, and ſaid, Let him try *Fitz-Harris* if he dare; now he is Chief Juſtice, he is the greateſt Rogue in the World.

That *Colledge* would have put the ſaid *Haynes* upon charging the King with the Firing of *London*, and the Murder of Sir *Edmundbury Godfrey*, and ſaid, Such and ſuch Lords ſhall live and die by you, and *England* ſhall eſpouſe your Cauſe. And diſcourſing of *Fitz-Harris* his Libel, The Devil take me, ſaid he, every individual word is as true as God is in Heaven, and if you do not joyn with *Fitz Harris* in his Evidence, and charge the King home, you are the baſeſt Fellow in the World; for he makes you Slaves and Beggars, and would make all the World ſo; and 'tis a kind of Charity to charge him home, that we may be rid of ſuch a Tyrant.

That after *Colledge* came from *Oxford*, he told the ſaid *Haynes*, That when the King had diſſolved the Parliament, before the Houſe of Commons could get down, the King took Coach, and went away; otherwiſe the Parliament had been too hard for him, for there was never a Parliament-man, but had divers armed Men to wait on him; and, ſaith he, I had my Blunderbuſs and my Man to wait upon me.

Then Mr. *Haynes* was croſs interrogated, *viz.*

1. Where and when was the Diſcourſe of ſuperſeding your Warrant?

*Anſw.* At *London*, in *March*, and before the Sitting of the Parliament at *Oxford*?

2. Had you ever ſeen me before?

*Anſw.* Yes, in the Coffee-houſes, bawling againſt the Government.

3. Then this was the firſt time you diſcourſed with me?

*Anſw.* Oh no: One and I fell out at the *Queens*-Head Tavern at *Temple-Bar*, and he ſet me upon the Buſineſs; and I went to *John Macnamarra*, and told him, Yonder is *Richard Poure* at ſuch a Place, now you may ſeize upon him: And *Colledge* and Captain *Brown* were with me the Night before, and gave us a Signal, a blew Ribbon, (which he ſhewed to the Court) to diſtinguiſh that we were *Proteſtants* from the *Biſhops*-men, which I was to make uſe of when the King was ſeized.

4. Were you an intimate Acquaintance of the Priſoners before *March* laſt?

*Anſw.* No intimate Acquaintance.

5. Was it the firſt time I ſaw you, when you had this Diſcourſe with me?

*Anſw.* You know it was after I had made *Affidavit* before the Recorder of *London*, concerning one *Fitz-Gerald*, a Copy of which was carried to

that

that Nobleman: This Diſcourſe was within a Week or thereabouts, after that *Affidavit* was made.

6. Did you ever ſpeak with me in your life, before *Macnamarra* called me out of the Coffee-houſe to go along with you, where you would diſcover a Deſign againſt my Lord *Shatſbury*'s Life?

*Anſw.* I never had any intimate Acquaintance with you in my life before, nor did I ever ſpeak with you before.

Mr. *Turbervile.*

That when the Parliament ſate at *Oxford*, the Deponent *Turbervile*, at the *Chequer*-Inn there, told *Colledge*, he thought this Parliament would be no long-liv'd Parliament: Upon which *Colledge* told him, There is no good to be expected from the King, for he and all his Family are *Papiſts*, and have ever been ſuch: *Turbervile* replied, The King will offer ſomething or other by way of Surprize to the Parliament: Said *Colledge* again, I would he would begin; but if he do not, we will begin with him, and ſeize him; for there are ſeveral brave Fellows about this Town, that will ſecure him, till we have thoſe Terms that we expect from him; and many more are coming down that will joyn with it. He likewiſe ſaid, He had got a Caſe of Piſtols, and a very good Sword, and a Velvet Cap, and that he came down for that purpoſe to ſeize the King: And gave him the ſaid *Turbervile* a piece of blew Ribbon (of which he had a very great quantity, 40 or 50 yards) to put in his Hat, to be a diſtinction, if there ſhould be any Diſturbance when the thing ſhould be done: And *Turbervile* telling him, he had never a Horſe, he ſaid, he would get him one, and that there was a Deſign to ſeize the King, and deſired him to be ready to aſſiſt.

That *Colledge* himſelf had a Caſe of Piſtols, and a Sword, and (as he believes) had his Armour on; but he can't be poſitive in that.

Then Mr. *Turbervile* was croſs interrogated by the Priſoner, *viz.*

1. Did I diſcourſe who were to joyn with me?

*Anſw.* No, you did not name any body to me.

2. When did you give in this Information againſt me?

*Anſw.* I gave it a day or two before I came to *Oxon*, and afterwards to the Grand Jury.

3. Why did you do it then, and not before?

*Anſw.* I underſtood the Grand Jury of *London* would not find the Bill; which I admired at; I thought every one that converſed with him, might be an Evidence againſt him, he was always ſo very laviſh againſt the King and the Government: So then Colonel *Warcup* came to me, and took my Depoſitions, and then I came for *Oxon*. And I did not diſcover it before, becauſe there was no Reaſon for it; it was not neceſſary.

Mr. *Maſters.*

That in Diſcourſe at Mr. *Charlton*'s Shop in *Pauls* Church-yard, about *Chriſtmas* laſt, after the Parliament at *Weſtminſter*, *Colledge* juſtified the late Long Parliaments Actions in 40. and ſaid, That Parliament was as good a Parliament as ever was choſen in the Nation: And *Maſters* telling him,

him, he wondred he had the impudence to justifie their Proceedings, that raised the Rebellion against the King, and cut off his Head: Said *Colledge*, They did nothing but what they had just Cause for, and the Parliament that sate last at *Westminster*, was of their opinion, and so you would have seen it.

That that day the Common-Council was, being the 13*th.* of *May*, (as near as he remembers) at *Guild-hall*, he came to *Colledge*, and said, How now Collonel *Colledge*, what do you make this Bustle for? That *Colledge* thinking he had called him Cosin, *Masters* said, I only called you Collonel in jest: Marry, mock not, said *Colledge*, I may be one in a little time.

Sir *William Jenings*.

That he saw some Company looking upon a Picture, and after the Crowd was over, *Colledge* took a Picture out of his Pocket, and said, he would give the Deponent one of them, if he would; so he gave him a Picture, which he soon after meeting with Justice *Warcup*, shewed to him, and at his desire gave it him: It was written *Mac* a top, and there were several Figures in it; and Sir *William* being shewed a Picture, said, it was one of the same that he had of *Colledge*.

That another day in the Coffee-house, *Colledge* brought in a parcel of wrought blew Ribbon, with, *No Popery, no Slavery*, twice wrought, in every quarter of a yard, a yard whereof he sold for 2 *s.* to a Member of Parliament, (as Sir *William* took him to be) who tyed it upon his Sword.

That the day the Parliament was dissolved, as Sir *William Jenings* was standing in the School-house Yard at *Oxford*, *Colledge* came to him, and told him, Mr. *Fitz-Gerald* had spit in his Face, and that they had been at Logger-heads (or Fisty-cuffs) together; and Sir *William* telling him, his Nose bled, *Colledge* wiped it with his Handkerchief, and said, I have lost the first Blood in the Cause, but it will not be long before more be lost.

That afterwards he met *Colledge* at *London* in *Fleet street*, one *Sunday* in the Afternoon, and said to him, How now, honest Joyner? Saith *Colledge*, You call me honest Joyner, some call me Rogue and Rascal, and I have been beating some of them, so that I believe they will be aware of it.

Then *Colledge* affirmed, that his words upon the Quarrel with *Fitz-Gerald* (which begun upon his vindicating the Commons and Dr. *Oates*, whom *Fitz-Gerald* had abused) were these: I have lost the first Bloud for the Parliament, I wish it may be the last: But Sir *William* stood to his former Evidence, and said, No Parliament was mentioned; and that he related the words to Mr. *Crescett* (who was present in Court) within half an hour or a little time after; and having likewise told them to Justice *Warcup*, he was brought hither to testifie it.

The King's Councel having concluded their Evidence, the Prisoner propounded these things to the Court, *viz.*

1. Whether in all this Evidence they have proved any treasonable Practices, Conspiracy or Design in me against the Government?

*Cur.* Yes plainly, if the Witnesses speak truth: By your publishing Libels and Pictures, to make the King odious and contemptible: By being

the Author of ſome of thoſe Pictures, and they were found in your Cuſtody: That you prepared Arms, ſhewed Arms in your Houſe, ſaid, you would go to *Oxford* to ſecure the King, and you did come to *Oxford:* And as the imagining of the Death of the King is Treaſon, by 25 *E.* 3. ſo a ſeizing of the King, and an endeavour to do that, is a conſtructive intention of the Death of the King; for Kings are never Priſoners but in order to their Death, and therefore it hath been held in all Times to be Treaſon: But the 13*th.* of this King is ſtronger, *viz.* If any man ſhall by any words, or malicious ſpeaking, ſhew he hath any ſuch intention, that is Treaſon too.

2. None of the Witneſſes ſwear Facts againſt me, but Words.

*Cur.* Yes, providing Arms for your ſelf, and offering others Arms.

3. Ought there not to be two Witneſſes to prove the ſame words ſpoken at one and the ſame time?

*Cur.* It hath been often reſolved, and particularly by all the Judges, in my Lord *Stafford*'s Caſe, That if there be one Witneſs that proves one Fact, which is an Evidence of Treaſon, and another proves another Fact, that is an Evidence of the ſame Treaſon, though they be but ſingle Witneſſes to ſeveral Facts, yet they are two Witneſſes to an Indictment of Treaſon.

4. Your Lordſhip takes theſe words, diſtinct from any Matter of Fact, don't you?

*Cur.* No, complicated with the Fact, which was the overt-Act, the coming to *Oxon* with Piſtols to make one, if there had been any Diſturbance, and to ſeize the King.

5. Whether any Act of Treaſon done at *London*, ſhall be given in Evidence, to prove the Treaſon for which I am now indicted, for the Indictment is laid at *Oxford?*

*Cur.* Any Act of Treaſon that is of the ſame kind: For if there be one Witneſs that proves here, what you ſaid at *Oxford*, and another that proves what was ſaid at *London*, if they be in order to the ſame Treaſon, it is ſufficient: For if you conſpire to commit ſuch a Treaſon in *London*, and you come with ſuch an imagination in your heart to *Oxford* to compleat this Treaſon, though your Deſign was not firſt formed there, 'tis enough to maintain an Indictment of Treaſon, though but one ſpeak to what was done at *Oxford.* And in Sir *Henry Vane*'s Caſe, he was indicted for levying War againſt the King; upon the Tryal, the Conſpiracy was proved in *Middleſex*, and the War in another County, and yet it was held ſufficient to maintain the Indictment in *Middleſex.* But that is not your Caſe neither; for here are two full Witneſſes, *Dugdale* and *Turbervile*, that prove what was done at *Oxford:* And then there are two other Witneſſes, *Smith* and *Haynes*, though they do not prove what you did at *Oxford*, yet they tell you what you ſaid, of what you had done at *Oxford.*

Then the Priſoner ſpake to this effect, *viz.* That this was a helliſh Conſpiracy to deſtroy the *Proteſtants*, that have oppoſed the Popiſh Plot: That he was bred, and hath continued, and will die a *Proteſtant:* That if *Turbervile* heard of ſuch a dangerous Deſign againſt the King, (who was then in *Oxford*) it had been his Duty to have revealed it. He objected the improbability of the Evidence given againſt him, That he ſhould truſt

*Papiſts,*

*Papiſts*, *Prieſts*, and *Iriſh*-men, who have broken their Faith with their own Party, men concerned in Plots and Treaſons : That if they ſaid truth about the Popiſh Plot, that could be no obligation upon him to truſt them with another: He appealed to thoſe that know him, if they found him ſuch a Raſcal, to have ſuch thoughts in his heart, or ſuch a Fool or Mad-man, to diſcover them to ſuch a ſort of Perſons as theſe, who were ready to ſtarve for Bread. He told, how he came firſt to know *Haynes*, who pretended to him to diſcover a Deſign of *Fitz-Gerald*, againſt my Lord of *Shaftsbury*'s Life; and to know of a Deſign about ſeizing and deſtroying the Parliament at *Oxford*, (as he ſwore before the Recorder of *London*) of a *French* Army that was to land in *Ireland* at the ſame time, of which the Duke of *York* was to be the Head ; and of an intention to deſtroy all the *Proteſtants* : And upon this it was, that he reſolved to come along with the Parliament, and if there was any ſuch Deſign, to live and die with them. That the day before the Parliament ſate at *Weſtminſter*, he was deſired by ſeveral Lords and Commons to ſearch under the Parliament, fearing ſome Trick of the *Papiſts*; which he did accordingly, and from that time he was called the *Proteſtant Joyner*. He denied with great Proteſtations, that he ever ſpake any ſuch treaſonable words, or ever had any ſuch thoughts in his heart, or knows of any Conſpiracy or Deſign againſt the King or Government; and ſaid, that this is the 17*th*. or 18*th*. Sham-Plot, the *Papiſts* have made againſt the *Proteſtants*, to get over their own.

*Witneſſes for the Priſoner.*

Mr. *Shewin.*

That at the *Golden Poſts* at *Charing-croſs*, on *Thurſday* laſt, Mr. *Turbervile* ſaid, That if he the ſaid *Shewin* were at *Oxford*, he ſhould hear ſtrange things againſt *Colledge*; and he would lay ten to one that Mr. *Bethel* and Mr. *Wilmore* ſhould be hanged at *Chriſtmas*, and that he would lead him by the gold Chain along *Fleet ſtreet*, &c. And they did lay, who ſhould be hanged at *Candlemas*, who at *Chriſtmas*, and who at ſeveral other times.

That he was told, there was one did deſign to be returned upon this Jury, that was reſolved to hang *Colledge*, right or wrong.

To which the High-Sheriff ſaid, He heard there was ſuch an one, and he left him out of the Jury.

Mr. *Hickman*, Cabinet-maker at *Holborn-bridge*.

That Mr. *Haynes* uſing to come to the ſaid *Hickman*'s Houſe, to a Popiſh Widow who lodged there, he took him for a Prieſt; and asking her what he was; ſaid ſhe, He is a very dangerous Fellow, though he is a *Papiſt*, and I am one my ſelf, and he doth not much care what he ſwears againſt any one.

That another time, about a year and an half ago, *Haynes* came to ſpeak with Mrs. *Scot*, *Hickman*'s Tenant, (who is now in *Ireland*) and going up Stairs to her, they locked the Door, and plucked out the Key : That *Hick-*

*Hickman* ſuſpecting ſomething, ſlipt off his Shoes, went up Stairs, and looked in at the Key-hole; and his ſaid Tenant talking ſomething to *Haynes*, (who ſate at the Window) *Haynes* rapt out a great Oath; God dam me, ſaid he, I care not what I ſwear, nor who I ſwear againſt, for 'tis my Trade to get Money by Swearing: Whereupon when ſhe came down Stairs, *Hickman* warned her away out of his Houſe.

That *Hickman* went to the *Fleet*, (where *Haynes* had been a Priſoner) and found he had a very ill Character, as well among the *Papiſts* as the *Proteſtants*; and one Fellow (whom he enquired of) ſaid, Go you to ſuch an one——Here he was interrupted, for ſpeaking what another told him, and not of his own knowledge.

That there are thoſe that can produce a Letter——Here he was again interrupted for the ſame Reaſon.

*Elizabeth Oliver.*

That in the year 77. Mr. *Haynes* writ a Letter into the Countrey, as from her Father, without his knowledge; but the Letter was not ſubſcribed.

*Then the Letter was read.*

That ſhe knows *Haynes* to be a very ill man, but knows not that he ever forſwore himſelf.

Mrs. *Hall.*

That Mr. *Haynes* coming to lodge in her Houſe, the day before *Fitz-Harris* was tryed, told her, That the Dutcheſs of *Portſmouth* begg'd of *Fitz-Harris*, if he had any Kindneſs for his Majeſty, that he would renew his Acquaintance with Mr. *Everard*, and get over him and ſome others, to make a *Presbyterian* Plot of it.

That one night *Haynes* told her, He had the ſame night a Meſſage from the King, and a Juſtice of Peace met him and told him, If he would come in, the King would grant him his Pardon: But he refuſed it, for he would never do ſuch baſe things as were beneath a man, and whiſpered her in the Ear, (as the accuſing of ſeveral Perſons:) That ſhe ſaw him to be a man that made little conſcience of what he ſaid or ſwore.

That *Haynes* in a Paper which he writ, to put into one of the *Intelligences*, owned he had a Hand, or was imployed to put the Plot upon the diſſenting *Proteſtants*.

*Mary Richards*, Mrs. *Hall*'s Maid.

That Mr. *Haynes* in the ſaid Paper owned he was imployed, or had a Hand in putting the Plot upon the diſſenting *Proteſtants*.

That when *Haynes* told her Miſtreſs, He had a Meſſage from the King, offering him his Pardon, the ſaid *Mary Richards* asking him, why he did not accept the King's Pardon: Alas, ſaid he, you do not underſtand what I was to do for it; I was to do ſuch baſe things ſo beneath a man, that I will never do them; I had 500 *l.* offered me, and the King's Pardon, to do ſuch baſe things as are beneath a man to do: And this was about a week before he was taken.

Mrs.

Mrs. *Wingfield*, Mr. *Haynes*'s Mother-in-law.

Knows nothing of Mr. *Haynes*, but he is an honeſt man.

Mr. *Whaley*, at the *Hermitage* beyond the *Tower*.

That about ſix years ago, Mr. *Haynes* being a Priſoner in the *Kings-Bench*, came down to drink in the Cellar, which the ſaid *Whaley* had taken of the Marſhal to ſell Drink in, and took away a Tankard, and went up with it: Wherewith *Whaley* acquainted the Marſhal, (who was a Juſtice of Peace) who took *Haynes* from the *Maſters-ſide*, and put him into the *Common-ſide*.

Mr. *John Lun*.

That the firſt time he ever ſaw Mr. *Haynes*, was about three or four days after the Bill againſt *Colledge* was brought in *Ignoramus* by the Grand Jury; at which time he met accidentally with him at the *Derby*-Alehouſe: That *Haynes* was there alone in a little Room next the Ditch, and invited *Lun* to drink with him; and there fell foul upon the Grand Jury, becauſe they had not found the Bill; ſaid, My Lord *Shaftsbury* was a little Toad, but he would do his buſineſs very ſuddenly; railed upon the Parliament, and ſaid, They were a company of Rogues, they would give the King no Money, but he would help him to Money enough out of the Fanaticks Eſtates; and ſaid, They would damn their Souls to the Devil, before the Catholick Cauſe ſhould ſink.

That he meeting *Haynes* on *Monday* laſt at the *Crown*-Inn in *Uxbridge*, they drank together, and *Lun* asked *Haynes* how he did, and told him, he drank with him once before; to which *Haynes* replied, You have a good Memory: That Mrs. *Peacock* coming down to them, *Lun* asked, Who ſhe was; *Haynes* at firſt ſaid, It was Mrs. *Fitz-Harris*; and afterwards, that it was her Maid, and that Sheriff *Bethel* was to marry her; *Lun* replied, Sheriff *Bethel* is able to maintain her, he hath a good Eſtate; but, ſaid *Haynes*, it ſhall be the King's ere long.

*Haynes* denied, that he ever ſaw *Lun* before he ſaw him at *Uxbridge*; and ſaid, that then he asked Mr. *White*, the King's Meſſenger, who *Lun* was.

Mr. *White* being ſworn, ſaid, That he was then preſent at *Uxbridge*, and heard no ſuch Diſcourſe there, or of any Meeting between them at *Fleet-bridge*; but that *Haynes* asked him who *Lun* was, and *Lun* asked him who *Haynes* was.

But *Lun* ſaid, He would take the Sacrament upon it, that what he had ſaid was true.

Mr. *Broadgate*.

That Mr. *Turbervile* ſpeaking of the King's Evidence, ſaid, The King's Evidence are looked upon as nothing, as poor, inconſiderable, mean Fellows, and their Sallaries are leſſened; and, ſaid he, I have had the greateſt Offers from the Court, of Preferments and Rewards, if I would go from what I have ſaid, and diſown the Popiſh Plot, and go upon the

contrary: But I have a Soul and a Body; a Body for a time, but my Soul for Eternity, and I cannot go from it: But he did not hear him name the Priſoner.

Mr. *Zeal.*

Knows nothing of Mr. *Turbervile*, but what was told him by Mr. *Ivy*, who was the firſt that ſwore this *Presbyterian* Plot.

Lord Chief Juſtice *North* replied, We know of no *Presbyterian* Plot.

Mr. *Ivy* being called at *Colledge*'s Requeſt.

Denied that he heard Mr. *Turbervile* ſay any thing of a *Presbyterian* Plot.

Being asked by *Colledge*, Whether he was not by when *Haynes* made his Diſcovery at the *Hercules Pillars*? He anſwered, You know that you and I have had a great many intrigues about this Buſineſs in hand, and how we dealt with Mr. *Haynes*.

He confeſſed, he had ſworn againſt *Colledge* and others; whereupon *Colledge* thought not fit to ask him any more Queſtions.

Mr. *Lewes.*

That he knows ſomething of Mr. *Ivy*, in relation to my Lord of *Shaftsbury*, but knows nothing of *Turbervile*, that is ill; nor of *Haynes*, *Smith*, or *Dugdale*, but what *Zeal* ſaid was told him.

Dr. *Oates.*

That *Turbervile* and *John Macnamarra* ſubſcribed a Petition to the Common-Council, and gave it to Mr. *Wilmore*, who delivered it to Dr. *Oates*, before he was apprehended; for being to come down as a Witneſs, he was taken up, and committed to Priſon; which Petition was read in Court, and therein *Turbervile* and *Macnamarra* ſay, They are conſtant Witneſſes for the King againſt the *Papiſts*, and have been tempted by the *Papiſts* to unſay what they have ſaid, and to accuſe ſome *Proteſtants*.

As to *Turbervile*: That a little before the Witneſſes were ſworn at the *Old-Baily*, he asking *Turbervile*, whether he was a Witneſs againſt *Colledge*; *Turbervile* anſwered, That he would break any ones Head that ſhould ſay ſo; for he neither was a Witneſs, nor could give any Evidence againſt him.

That after *Turbervile* came from *Oxford*, he asking him, if he had ſworn againſt *Colledge*; *Turbervile* ſaid, Yes, he had been ſworn before the Grand Jury; ſaid Dr. *Oates*, Did you not tell me ſo and ſo? Why, ſaid *Turbervile*, the *Proteſtant* Citizens have deſerted us, and God damn him, he would not ſtarve.

All this *Turbervile* utterly denied, but confeſſed, That Dr. *Oates* met him, and invited him to come to his old Friends, for they had ſome jealouſie of him; and that if he would come to the *Kings-Head* Club, he ſhould be received with a great deal of Kindneſs.

Dr.

Dr. *Oates* averred the truth of what he had ſaid, upon the word of a Prieſt, as he is a Miniſter, and in the preſence of God.

As to *Smith*: That *Colledge* and *Smith* having had ſome provoking words, *Smith* came out and ſwore, God damn that *Colledge*, he would have his Bloud; and Dr. *Oates* telling *Smith*, Thoſe words did not become a Miniſter of the Goſpel; *Smith* replied, God damn the Goſpel.

But *Smith* replied, That not one word of this is true.

As to *Dugdale*: That juſt before my Lord *Shaftsbury* was taken up, *Dugdale* ſaid to Dr. *Oates*, Sir, I hear there is a great noiſe of my being an Evidence againſt ſeveral *Proteſtants*, my Lord *Shaftsbury*, and others; I call God to witneſs, I know nothing againſt any *Proteſtant* in *England*.

That afterwards when *Dugdale* had ſworn at the *Old-Baily* againſt *Colledge*; Dr. *Oates* telling him, That he was afraid he had gone againſt his Conſcience, he was ſure againſt what he had declared to him; ſaid *Dugdale*, It was all long of Collonel *Warcup*, for I could get no Money elſe, and Collonel *Warcup* promiſed I ſhould have a Place at the *Cuſtom-houſe*.

That when *Dugdale* gave out he was poyſoned, which was publiſhed in the *Intelligences*, it was in truth but the Pox, as will be made appear by the Phyſician that cured him; and he confeſſed that he had an old Clap.

To the firſt part of this Evidence, *Dugdale* anſwered, That he never ſpake to Dr. *Oates*, till Dr. *Oates* ſpake to him: The ſecond part he utterly denied; And to the third part ſaid, That if any Doctor would come forth and ſay, he cured him of a Clap, or any ſuch thing, he would ſtand guilty of all that was imputed to him.

Here the Priſoner interpoſed and ſaid, That *Dugdale* had told him, He muſt keep company with *Warcup*, and others, for what would he have him do, ſtarve? And that when the Priſoner had lent *Dugdale* 5 *l.* out of his Pocket, and truſted him with his Horſe, and afterwards dun'd him for the Money, he ſaid, He ſhould have it when the Attorney General had made up his Accounts, for he was his Friend: But, ſaid he, here is new Work to be done, ſuch Work as my Conſcience will not ſerve me to do; there is more Roguery; they will never have done Plotting and Counter-plotting, but they will make a thouſand Plots if they can to deſtroy the real one. But of this the Priſoner could bring no proof, alledging, no Perſon was preſent but they two.

Mr. *Blake*.

That he asking Mr. *John Smith*, what he thought of *Haynes*, and his Diſcovery againſt ſome great Perſons; *Smith* anſwered, 'Tis a Sham-Plot, a Meal-Tub Plot.

Mr. *Samuel Smith*.

That he telling Mr. *John Smith*, (ſoon after he came from *Oxford*) that he heard he had ſworn againſt *Colledge*, and that there was a *Presbyterian* or *Proteſtant* Plot, a Deſign of ſeizing the King at *Oxford*, and 1500 Barrels of Gunpowder provided: *John Smith* denied not that what he had ſworn againſt *Colledge* was true; but denied that he had ſworn there

was

was any *Proteſtant* or *Presbyterian* Plot, or that he believed there was any ſuch Plot, or that he knew of any *Proteſtant* was concerned in the Plot; and ſaid, that he did not believe what *Colledge* ſaid, and that *Colledge* did not believe it himſelf.

Mr. *Thomas Gardner.*

That at the *Rummer* in *Queen-ſtreet*, this day fortnight (he thinks it was) Mr. *Samuel Smith* and Mr. *John Smith* were talking of *Colledge* and his Jury, and *John Smith* ſaid, that two or three of the Jury were Rogues and Villains, but vowed to God, he knew of no *Proteſtant* Plot, nor of any *Proteſtant* concerned in a Plot but *Colledge*, who he believed would at his Tryal appear to be more a *Papiſt* than a *Proteſtant:* And as to *Colledge*'s ſeizing the King, or providing 1500 Barrels of Powder, he ſaid, he did not believe a word of it when *Colledge* ſaid it, and thought that *Colledge* did not believe it himſelf.

Dr. *Oates*, the 2*d.* time.

That Alderman *Wilcox* having this Summer was twelve months, or he is ſure a great while before *Chriſtmas* laſt, provided a Dinner at the *Crown* Tavern without *Temple-Bar*, and invited him to it; *Colledge* told *Oates*, that he was invited likewiſe: That they two went thither together from the *Rainbow*-Coffee-houſe to the ſaid Tavern, and (as he thinks) the Diſcourſe by the way was between them two: That *John Smith* ſtayed ſomewhat behind, or walked before, he cannot tell which: That Mr. *Smith* the Councellor, and Dr. *Oates* his Brother, were likewiſe preſent at the ſaid Dinner: That at the Tavern, before Dinner was brought up, Dr. *Oates* and one Mr. *Savage* entred into a Philoſophical Diſcourſe about the Exiſtence of God, and the Immortality of the Soul: That after Dinner, *John Smith* went away: That Dr. *Oates* did not hear the leaſt Diſcourſe of any ſuch thing as *Smith* ſpeaks of: That *John Smith* and *Colledge* had no Diſcourſe in his hearing from the Coffee-houſe to the Tavern: That when *John Smith* ſwore, as he did, about this Matter at the *Old-Baily*, Dr. *Oates* did in his Conſcience look upon him to be forſworn in that Particular.

Mr. *Thomas Smith*, a Bencher of the Middle-Temple.

That when Alderman *Wilcox* treated Dr. *Oates* and others at the *Crown*-Tavern, (which was ſome time before *Chriſtmas* laſt) he was preſent all the time: That as to Treaſon or treaſonable words, or any thing reflecting upon the King and Government, or any thing tending towards it, he was confident, nothing was or could be ſpoken: That the Room was very ſmall, and the Company filled it up, and the Table was ſo big, that there was little more than for the Servitors to go about, ſo that a man might eaſily hear from one end of the Room to the other: That there was ſome Diſcourſe between Dr. *Oates* and Mr. *Savage*, about ſome Points of Philoſophy and Divinity, and *Colledge* ſate himſelf down on one ſide of the Table, and fell aſleep: That he never heard *Colledge* ſpeak any ill words of the King, nor did he ever deliver to him the ſaid Mr. *Smith* any Pictures: That the Room was ſo little, that the Company (which were

14 or 15) could not divide themſelves into Cabals; but he remembers not whether *John Smith* went with them from the *Rainbow*-Coffee-houſe, or no.

That as to the Arms pretended to be provided by *Colledge* to go for *Oxford*, he had known *Colledge* about three years, and knows that he did uſually ride with a Caſe of Piſtols: That he had twice borrowed *Colledge*'s Horſe, and had it both times with a Caſe of Piſtols; and that the Suit of ſilk Armour which *Colledge* had, *Colledge* told him, he provided it againſt the *Papiſts*, for that he did expect we ſhould have a Bruſh with them; and Mr. *Smith* bidding him not to trouble himſelf, they dared not meddle; *Colledge* replied, This will do no harm.

Mr. *Samuel Oates*, Dr. *Oates* his Brother.

That he was at the Dinner which Mr. *Wilcox* gave his Brother, and went thither from *Richards* Coffee-houſe with his Brother and *Colledge*, who in a jocoſe way offered to be one of his Brother's Guard; and they went by each others ſide, but Mr. *John Smith* followed after them: That he heard no treaſonable Diſcourſe: That he ſaw none go into Cabals, nor heard any Diſputations in Divinity or Philoſophy, but only common Diſcourſe, nor remembers that *Colledge* ſlept.

Mr. *Bolron*.

That the 25*th*. of *July* laſt, He, Mr. *Mowbray*, and Mr. *John Smith*, were travelling from *York* towards *London*: That *Smith* asked him, whether he remembred the Diſcourſe that was between Sir *John Brooks* and him the ſaid *Bolron* at *Ferry-bridge*, where Sir *John Brooks* ſaid, there would be cutting of Throats at *Oxford*, and the Parliament went provided, ſome with 8, ſome with 6, ſome with 4 men, and that they were to meet at *Grantham*, and go together: That *Smith* would have had him the ſaid *Bolron* ſwear, that he heard Sir *John Brooks* ſay ſo, and that there was to be a Conſult at *Grantham*, and that at the ſaid Conſult it was reſolved, that it was better to ſeize the King, than to let him go on: That *Smith* further told him upon the 25, 26, 27, and 28*th*. of *July*, (it being their frequent Diſcourſe) That he had given his Majeſty an Account of it, which occaſioned the diſſolving of the Parliament; and that if he the ſaid *Bolron* did manage it rightly againſt my Lord *Shaftsbury* and *Colledge*, he would make him for ever, and that he muſt ſay ſo and ſo, for if they did not agree, it would ſignifie nothing; whereas the ſaid *Bolron* knew nothing of it, further than that he heard Sir *John Brooks* ſay, that they went with Horſe and Arms to ſecure them from High-way men, and that the Diſcourſe was, that there would be cutting of Throats at *Oxford*, which made them go with Arms to defend themſelves; nor did he ever hear my Lord *Shatſtsbury* or *Colledge* ſpeak Treaſon againſt the King: And that he the ſaid *Bolron* ſoon after he came to Town, did acquaint the Lord Mayor herewith.

That he heard *Brian Haynes* in *January*, *February*, and *April* laſt, in his the ſaid *Bolron*'s Houſe in *Fleetſtreet*, ſay, That he knew nothing of a *Popiſh* or *Presbyterian* Plot; but if he were to be an Evidence, he did not

care what he ſwore, but would ſwear and ſay any thing to get money; and that he did not care for Religion, but would be of that Religion that had the ſtrongeſt Party, a *Papiſt* to day, and to morrow a *Presbyterian*.

*Bolron* being asked about *Colledge*'s Pictures, and whether he had ſeen *Rary-Show*, or ſhewed it in *Oxford*, or declared to any Gentleman in *Oxford*, that *Colledge* made a Picture then ſhewed him in Court, or had ever any Diſcourſe with a Gentleman then in Court, and ſhewed to him; anſwered, That he never ſaw *Rary-Show*, but had ſeen the Character of a *Popiſh* Succeſſor, and *Colledge* himſelf told him he made it; but he never had any Diſcourſe with that Gentleman ſhewed him.

Then the ſaid Gentleman, Mr. *Charlett* of *Trinity-Colledge*, ſwore, That in the new Coffee-houſe in *Oxford*, *Bolron* ſhewed him the Pictures of the *Tantivies*, and the *Towzer*, and told him, they were made by *Colledge*, a very ingenious man.

Afterwards in the cloſe of all the Evidence, *John Shirland* and Mr. *John Smith* were produced againſt *Bolron*: *Shirland* ſwore, That *Bolron* laſt *Whitſon-Tueſday*, would have given him 10 *l.* and a Horſe, to go down and ſwear againſt Sir *Miles Stapleton*, and he was to ſwear, that he was ſuborned by his Friends and others. *Bolron* anſwered, That *Shirland* pretended he was ſuborned by Sir *Miles* or ſome of his Friends: That *Shirland* lives by his Shifts, and was whipped in *Bridewel*: *Shirland* replied, That *Bolron* once drew his Sword on him, becauſe he would not ſwear as he would have him; which *Bolron* denied. *Smith* ſwore, That as they were coming up, *Bolron* told him, He had as much to ſay againſt *Colledge* as any body, and if he would ſpeak for him, he would evidence againſt Sir *John Brooks*, for a Diſcourſe at *Ferry-bridge*; but *Bolron* denied this.

Mr. *Mowbray*.

That he and Mr. *Bolron* ſet forward from *Wentbridge* on *Sunday* the 3*d*. of *Auguſt*, for *London*: That Mr. *John Smith* overtook them that day upon the Road; and upon their Journey told *Mowbray*, He had ſomething of Importance to impart to him; and began to diſcourſe of the illegal Proceedings and arbitrary Power of the two laſt Parliaments, and of ſome of their Votes; and ſaid, that certainly they deſigned to take off the King: He likewiſe importuned *Mowbray* to ſay, That Sir *John Brooks* did affirm, that there would be cutting of Throats at *Oxford*, and that the King was to be ſeized there: But *Mowbray* telling him, that he could have no plauſible Pretence, becauſe he had no acquaintance with Sir *John Brooks*, nor did he come up with him, but with the Lord *Fairfax*, Sir *John Hewly*, and Mr. *Stern*, three Members of Parliament, he asked, what Diſcourſe we had upon the Road, and whether there was any that tended to juſtifie their former Votes; for, ſaid he, if they juſtifie thoſe Votes, and would not allow the King Money, and ſtood upon the Bill of Excluſion, that is Pretence enough for any man to ſwear, that there was a Deſign againſt the King, and that the King was to be ſeized at *Oxford*.

That *Smith* tempted him to ſwear the ſame againſt my Lord *Shaftsbury*, and ſaid, it would be well if he (the ſaid *Mowbray*) did appear on *Colledge*'s Trial at *Oxon*, for it was a thing of great Conſequence, and that the *Popiſh* Plot was thrown out of doors, and no man was looked upon that did ſpeak of it.

That

That when he was discoursing about Sir *John Brooks*, Mr. *Bolron* rid up to them, and then *Smith* applied himself to him, because *Mowbray* had told him, he had no plausible Pretence to swear against Sir *John Brooks*.

That this was after the 3*d*. of *August*, and after they set out.

*Mowbray* being asked again and again what day they set out, still answered, the 3*d*. of *August*; but being told what *Bolron* had sworn, *viz*. That they were upon the Road the 25*th*. 26*th*. 27*th*. and 28*th*. of *July*, *Mowbray* looked into his Almanack, and confessed he was mistaken, and said, he found there that they set out the 24*th*. of *July*, (and not the 3*d*. of *August*) and came to *London* the 27*th*.

Mrs. *Bolron*, Mr. *Bolron*'s Wife.

That within these three Weeks, since Mr. *John Smith* came from *York*-Assizes, he often sent to her House for her Husband and Mr. *Mowbray*, and now and then they went to him, and sometimes they would not go, for, they said, they knew his Business, and had Discourse with him upon the Road.

Mr. *Everard*.

That Mr. *John Smith* told him of late, That he knew of no *Presbyterian* or *Protestant* Plot, nor thought there was any; and when the Bill was brought in against my Lord *Howard*, he said, He wondred how my Lord *Howard* could be guilty; and that both himself and he (the said *Everard*) were joyned as Evidence to that Jury, only to put a gloss upon the Evidence; for, said he, I have nothing material to say.

That Justice *Warcup* would have perswaded *Everard* to have sworn against some Lords, a *Presbyterian* Plot, and said to him, Certainly there is a *Presbyterian* Plot, and some of the *Protestant* Protesting Lords must be guilty of it; and, said he, Certainly you know much of it, you know such and such things, therefore you may safely swear it, if you know it: But *Everard* denied that he knew any such thing of them.

(Here the Court was acquainted by Mr. *Jones*, that Mr. *Warcup* was just come in, and desired to vindicate himself; but the King's other Councel waved it, saying, that there was no weight in it.)

That Mr. *Haynes* told *Everard*, It was Necessity that drove him to speak any thing against the *Protestants*, and the Hardship and Ingratitude he did receive from the Citizens: That about three Weeks ago, *Everard* asked *Haynes*, Mr. *Haynes*, said he, I would not draw you from your Testimony in any thing; but how can this be congruous to what you have said formerly, That you knew nothing by them? The truth is, said *Haynes*, I will not say much to excuse my self, but my Wife was reduced to that Necessity, that she begg'd at *Rouse*'s Door, and craved some Salary, and Mr. *Rouse* would not give her any, and meer Necessity drove me to it: And 'tis Self-preservation in the next place; for I was brought in guilty, when I was taken up, and therefore I was obliged to do some things to save my Life. That the said *Haynes* told *Everard*, There is a Judgement impending upon the Nation, either upon the King, or upon the People, he knew not which; but the *Irish*-mens swearing against them,

them, is juſtly fallen upon them, for their Injuſtice againſt the *Iriſh*, in outing them of their Eſtates.

Mr. *Parkhurſt*.

That he and Mr. *Symonds* in *November* laſt when the Parliament ſate, accompanying Mr. *Dugdale* to *Colledge*'s Houſe, where Dr. *Tongue* lay, upon ſome Diſcourſe of the danger of the *Papiſts*, *Colledge* ſhewed them a ſteel Hat, a quilted Coat of defenſive Armour, a Blunderbuſs, and two Piſtols; and told them, he was provided againſt the *Papiſts*, if they came to make any Diſturbance: But there was no Diſcourſe in the World, but of the danger from the *Papiſts*.

Mr. *Symonds*.

Spake to the ſame purpoſe; and that *Colledge* ſaid, Let the *Papiſt*-Rogues begin when they will, I am ready to defend my ſelf for one.

Mr. *Yates*.

That Mr. *Dugdale* did beſpeak a Piſtol of him for *Colledge*, and bid him to deliver it to *Colledge* when it was done, and he would pay for it, for he borrowed *Colledge*'s Piſtols to ride withal ſometimes, and he would give him a Piſtol to ſatisfie for the wearing of them: And *Yates* occaſionally ſaying, He believed *Colledge* to be a very honeſt man, and to ſtand up for the Good of the King and the Government; Yes, ſaid *Dugdale*, I believe he does, and I know nothing to the contrary. And this was about three Weeks after the Parliament ſate at *Oxford*.

Then *Yates* being about to tell what he heard from one of the Servants in the Coffee-houſe, about *Dugdale*'s ſaying he knew nothing againſt *Colledge*, was interrupted, for that he ſpoke not of his own knowledge.

Mr. *Clayton*.

Being asked by *Colledge* what Arms he brought to his Houſe in *Oxford*, when he lay there, at the time the Parliament ſate at *Oxford*, he anſwered, A Sword, and pair of Piſtols in his Holſters, and no other, nor ſaw he any ſilk Armour; ſaith, That he ſaw *Dugdale* at his Houſe, but never in *Colledge*'s Company; and that he (the ſaid *Clayton*) never ſold Mum in his Life.

*Thomas Deacon* of *Watford*.

That he hath known *Colledge* from a Youth, he (the ſaid *Colledge*) being born at *Watford*, and lived and was married there; never knew but he was a very honeſt man, and frequented and kept to the Church of *England*: That he left that Place about 18 years ſince, (as he thinks, but cannot exactly tell) and uſed to come once or twice a year to ſee his Friends; and that he hath heard him declare againſt the *Popiſh* Church very much, but never againſt the Government, or the King.

Mr.

Mr. *Whitaker.*

That he hath known *Colledge* theſe 26 years; his Behaviour to be civil and good, and a very good Church-man when he lived at *Watford*, and hath the ſame Reputation where he laſt lived in *Black-fryers:* That he dares aver, He was no *Jeſuit* nor *Papiſt*; that he hath flouted and mocked them with their wooden Gods, *&c.* and could never endure that Perſwaſion; but he never heard him ſpeak againſt the King or Government: That *Colledge* was a Souldier for his Majeſty at *Chatham*-Buſineſs: That he uſed to come down to *Watford* (where his Mother is ſtill living) almoſt every half year, ſometimes oftner, and his Children went to School there.

(Here *Colledge* ſaid, He had a Teſtimonial of his Behaviour, under the Hands of 70 People of *Watford.*)

Mr. *Neale*, Mr. *Remington*, Mr. *Tanner*, ſpake much to the ſame purpoſe, as the laſt two.

Mr. *Peter Norreys.*

That he being at the *Hercules Pillars* with Sir *William Waller*, *Macnamarra*, and his Brother, *Ivy*, *Lewes*, *John Smith* and *Colledge*; and Sir *William Waller* ſaying, that moſt of the Parliament-men were afraid to go to the Parliament at *Oxford*; Truly, ſaid *Smith*, I hope they will be provided to go, if they do go: Then Sir *William Waller*, *Colledge*, and moſt of the Evidence ſaid, they would be provided; and *Colledge* being offered a Horſe by Sir *William Waller*, ſaid, he had one of his own, and that he would not neglect to go with the Parliament.

Mr. *Thomas Norreys.*

That he hath been acquainted with *Colledge* theſe 16 or 18 years, and he hath always carried himſelf civilly and well, and kept the Church for a conſiderable time, as duely as any Pariſhioner did: That he was with him the laſt year at *Aſtrop-Wells*, where *Colledge* ſpake much againſt the *Papiſts*; and though he hath very much converſed with him, he never heard him ſpeak againſt the King or the Government, for if he had, had he been his Brother, he ſhould have diſcovered it.

*Elizabeth Hunt*, Servant to *Colledge.*

As to the Pictures and Prints found in *Colledge*'s Houſe: That about 7 or 8 Weeks before they were ſeized, a Porter brought three Bundles to

the Houſe, and asked for her Maſter; and being told by her, he was not within, he ſaid, Theſe Papers are to be left here; ſhe asking, whom they came from; he ſaid, 'Twas all one for that, ſhe muſt pay him; which ſhe did, and gave him 6 *d.* and he left them there; but ſhe never ſaw the man ſince or before, nor ever read them: That it was a Week or Fortnight before ſhe told her Maſter of them, for he was in the Countrey.

(To this *Colledge* added, That he knew neither the Printer or Author: That it ſeems they were put in a Box, and left in his Counting-houſe: That he ſaw them there, but knew not whence they came, nor where they were, nor did he ever intend to meddle with them, or concern himſelf about them.)

*Elizabeth Hunt* further ſaid, That ſhe demanding the Money of Mr. *Dugdale* that he owed her Maſter, and he not having it ready for her, ſhe told him, 'Twas hard he ſhould keep her Maſter's Money, and ſwear againſt his Life too: Said he, There is a great deal of do about my ſwearing againſt your Maſter, more than needs; but as I hope for Salvation, I do not believe Mr. *Colledge* had any more Hand in any Conſpiracy againſt his Majeſty, than the Child unborn: Here (ſaid ſhe) is *Dugdale*, let him deny it if he can.

(*Dugdale* ſaid, As he hoped for Salvation, he did not ſay ſo: She replied, Upon her Salvation, 'twas true what ſhe ſaid, and *Dugdale* was not a right man if he denied it, for he told it her twice.)

That *Dugdale* told her, He deſired to ſpeak with Mr. *Smith* the Councellor, and that he had nothing againſt her Maſter that could touch a Hair of his Head, nor nothing that could touch his Life; that he knew nothing of a Plot or Contrivance againſt the King, and if he could help it, he had as lieve have given 100 *l.* he had never ſpoken what he had: That ſhe told *Dugdale*, If you cannot let me have my Maſter's Money, let me know what you have ſworn againſt him: That he promiſed her to draw it out in Writing, and put her off ſeveral times, but ſhe could not get it. And this was after *Dugdale* had been at the *Old-Baily*, and at *Oxon* too.

*Dugdale* denied this, but confeſſed, ſhe came to him for Money, and deſired him to write two or three words what he had to ſay againſt her Maſter; but that, he told her, he could not tell, he had not the Papers, nor what Information he had given againſt him: And ſhe coming again the next Morning, *Dugdale* ſaid, I wonder your Maſter would ſend you, had he not as good ſend Mr. *Smith*, who is his Councel? And theſe were all the words they had.

### Mrs. *Godwin*, *Colledge*'s Siſter.

That the *Saturday* after her Brother's Confinement, ſhe came into his Houſe, and a Waterman (who, as ſhe ſuppoſes, belonged to his Majeſty, he having a Coat marked *R. C.*) came in, and deſired ſome Shavings, which he had, and ſoon after returned with three of his Majeſty's Meſſengers, who ſearched for Papers, flung down the Wainſcot, and much endamaged his Goods: That they being gone, and finding none, but threat-

threatning, God dam them, they would have them, for there they were; ſhe asked her Brother's Maid and Son, whether they knew of any Papers, who ſaid, they knew of ſome Prints brought in by a Porter, but knew not whence they came, nor what they were; but the Son ſaid, that ſince his Father's Confinement, they were laid up ſafe, for they knew not what they concerned: That upon this her Brother-in-law *George Spur* came in, whom they requeſted to carry them into the Countrey to his Houſe; but he being fearful to carry any thing out of the Houſe, ſhe offered him, that ſhe would take them out of the Houſe, and then deliver them to him, which ſhe did, they being in her Brother's Counting-houſe: And as ſhe came back again into the Houſe, ſhe found a ſmall Paper-book, and a ſmall parcel of Writings, but who dropped them, or laid them there, ſhe cannot tell; but taking them up unadviſedly, ſhe put them among the Prints, and delivered them to her Brother-in-law. And this was all the ſame day, when the Search was.

Mr. *Stevens*, the Meſſenger, ſaid, Three parts of what ſhe ſaid, was falſe.

Mr. *Atterbury*, the Meſſenger, ſaid, That that about the Shavings was not ſo; but the Waterman brought him and two more of his Fellows, and followed them into the Yard, and came after them.

Mr. *Sewell*, the Meſſenger, ſaid, That he took the Papers at *Buſhy*, at *Spur*'s Houſe, and that Mrs. *Godwin* carried out one half to *Spur*, and the Maid carried out the other.

## *Stephen Colledge*'s Defence.

That as to the ſeizing of his Majeſty, providing Arms, or having any Deſign to ſeize upon the Perſon of the King, or rebel againſt the Government, he never had ſuch a Thought. How improbable was it, that he ſhould ſpeak to *Haynes*, an *Iriſh*-man, all the Treaſon he hath galloped through: That (being ſo concerned) he had not writ down half what his Witneſſes had ſaid, and therefore hoped his Lordſhip would ſum it up, for they were his Councel as well as his Judges: That they who had ſworn againſt him, had been ſufficiently confuted, and had contradicted each other, and their Confeſſions prove that they have been hired for Money to do it: That he was bred a *Proteſtant*, and is ſtill ſuch, and a hearty man againſt the *Papiſts*, and for Parliaments, and always thought he ſerved his Countrey, when he ſerved the Parliament, and that he ſerved his King, when he ſerved his Countrey: That he hath ſpared no Time nor Pains to diſcover the *Popiſh* Plot, and hath endeavoured to keep the King's Evidence from ſtarving, and to get them Relief from others; and upon this account ſometimes they applied themſelves to him, and at other times on pretence they had ſomething to diſcover of the *Popiſh* Plot: That the firſt time he ſaw *Haynes* was, when at the *Hercules-Pillars* he pretended to diſcover a Deſign of *Fitz-Gerald*, againſt my Lord *Shatſtsbury*'s Life; and told him of a Deſign to deſtroy the Parliament at *Oxford*, of an Army to land in the North, and another in *Ireland*, and the Duke of *York* to be at the Head of them; and told him likewiſe much about *Coleman*,

*man*, and of the Reconciliation between the Duke of *Ormond* and the Duke of *York*, and how he came to be Lord Lieutenant of *Ireland*, and how *Plunket* came to be Primate, and by means of whom, and the Letters that paſſed, and how ſo much a year was given to *Plunket* for carrying on the Correſpondence; ſo that *Colledge* wondred to hear him talk after that rate: That the next time he heard of *Haynes* was, when at the *Crown*-Tavern without *Temple Bar*, he pretended he would diſcover the whole Intrigue of Sir *Edmundbury Godfrey*'s Murther, all that *Fitz-Harris* had ſaid, and much more, and deſired my Lord *Shaftsbury* would get him his Pardon, before he diſcovered particularly: That my Lord *Shaftsbury* being acquainted herewith, was jealous 'twas but a Trick of the *Papiſts*; but yet ſpake about the Pardon of a Perſon who could make ſuch a Diſcovery, but it would not be granted: That afterwards *Haynes* told him, (the ſaid *Colledge*) That he ſaw my Lord of *Danby* come into the Chappel at *Somerſet*-houſe, when the Body of Sir *Edmundbury Godfrey* lay under the Altar.

Here the Court interrupted him, and told him, there was nothing of this made appear by Proof; and if the word of the Party accuſed ſhould paſs for truth, no man would be convicted: That he ought to ſum up the Evidence of his ſide, and to anſwer that of the other ſide, but not to run out into Stories not proved, to amuſe the Jury.

Then *Colledge* repeated the Evidence againſt *Haynes*, That he owned he was imployed to make a *Proteſtant* Plot, and would ſwear any thing for Money.

He objected, That in the Indictment it was laid the 10*th.* of *March*, and deſired they might prove he was that time in *Oxford*: The Court told him, The Time was not material, but whether the Indictment be true in ſubſtance.

He denied, That he ever ſpake of the King, by the Name of *Rowley*, in his Life: But to that *Dugdale* (being again called) anſwered, That at *Richards*-Coffee-houſe, the firſt time he ever heard what *Rowley* meant, was from *Colledge*; for asking him, what he meant by *Rowley*, he ſaid, It was the King, and *Mac* the Duke of *York*; and the Occaſion was, their talking of one of the Pictures, but which of them, *Dugdale* could not tell; but being asked by *Colledge*, where he had from him the Picture of *Rary-Show*, ſaid, twice at *Richards*-Coffee-houſe: That *Colledge* thruſt another Picture into his Pocket at the *Green Dragon*-Tavern ſince *Chriſtmas*, and Mr. *Baldwin* was by, who reproved *Colledge* for being ſo open: That that was not *Rary-Show*, but another, which of them he remembers not, but ſuppoſes he gave him one concerning the Biſhops, of which, he ſaid, he was the Author, and there he put Biſhop *Mew*, kiſſing the Pope's Toe, for it was a Biſhop with a Patch on, and *Colledge* told him, 'twas Biſhop *Mew*: But *Colledge* utterly denied, that he, *Dugdale*, and *Baldwin*, were ever at the *Green Dragon* Tavern together, or that he himſelf had been there theſe three quarters of a year.

Then *Colledge* went on and ſaid, That as to the Diſcourſe pretended to be had with *Smith*, he hath been ſufficiently proved to be forſworn, and that he went not to the Tavern with him, and that when he was there, he fell faſt aſleep behind the Table; and (ſaid he) 'tis not above half a

Bow-

Bow-ſhot from the Coffee-houſe to the Tavern, and *Smith* hath made a quarter of a miles Diſcourſe: That however it is out of the reach of the Statute; for Alderman *Wilcox* his Dinner was the laſt Summer, before *Colledge* went to *Aſtrop-Wells*, where he ſaw Sir *Creſwell Levyns*; and ſo are the words *Smith* ſays he ſpake at the *Ditch-ſide*.

That that day *Haynes* was taken, (which was by Agreement, and his own Conſent) *John Smith* came to *Colledge*'s Houſe, at the *Ditch-ſide*, and ſpeaking of *Haynes* being taken, and held long in Examination before the Secretary, he told *Colledge*, he believed, he (the ſaid *Colledge*) was not ſafe, and that he would have him take care of himſelf, for that he was concerned with *Haynes*; as if he would have intimated, he would have had *Colledge* run away, which he had time enough to have done, (it being the night before he was taken) if he had been a guilty Perſon.

He repeated Dr. *Oates* his Evidence againſt *Smith* for Blaſphemy, and ſwearing he would have his Bloud; and the Evidence againſt *Haynes*, of making a Trade of Swearing.

He excuſed his having Arms, having had them theſe three years, ever ſince the Plot broke out, and ſaid, he ſerved in the City Trained-Bands.

That Captain *Brown*, and *Don Lewis*, came down in his Company to *Oxon*, as Friends to my Lord *Howard*: That he never ſaw *Lewis* in his Life, till that Morning he came for *Oxon*, nor was acquainted with *Brown* a fortnight before.

That as to the Diſcourſe with Mr. *Maſters*, he dared appeal to Mr. *Charlton*, in whoſe Shop the Diſcourſe was: That he knew not *Maſters* was to be an Evidence againſt him, and could eaſily diſprove him, if he were in *London*, and had liberty to provide for his Defence: That he denied to *Maſters*, that the Parliament cut off the late King's Head, or began the War, but the *Papiſts* were they that carried it on to that ſad iſſue, and put it upon the *Proteſtants*: But *Maſters* denied this, and ſaid, *Colledge* would have had it, that the King began the War, but thinks he ſaid too, that the *Papiſts* had a Hand in it: *Maſters* further ſaid, That he gave ſome Perſons of Honour an Account of their Diſcourſe; and that the Diſcourſe was part in the Shop, and part under the Arch.

The Lord Chief Juſtice *North* ſaid, That that War was by Act of Parliament, ſince his Majeſty came in, declared a Rebellion on the Parliament's part, which *Colledge* ſaid, he knew not of before.

Then the Statute of the 13*th*. of this King was read, which Enacts, That to compaſs or imagine the Impriſonment of the King, and to expreſs it by malicious and adviſed Speaking, when proved by two lawful Witneſſes, ſhall be Treaſon: And the Court declared again, That one Witneſs to one Fact, and another to another, of the ſame Treaſon, is ſufficient.

*Colledge* then deſired the Jury to do him Right, and to go according to their Conſciences; and ſaid, If a man ſhall be ſworn againſt by ſuch Fellows as theſe, no man is ſafe; *Iriſh*-men and *Papiſts*, Traitors, that have declared they have been in all manner of Rogueries, Murders, Plots and Treaſons. He prayed the Jury to conſider, whether a Slip of the Tongue,

(his Diſcourſe with *Maſters*) may be called a premeditated, malicious and adviſed Speaking: He ſaid, that *Maſters* talked with him as hot as Fire, he was ſo violent: As for the other Witneſſes, they are neceſſitous Perſons, who had borrowed Money of him, and eat of his Coſt, and could not aſſiſt him one Mite in any Deſign: That the Nation is ſenſible what is doing, and what this doth ſignifie: That the *Papiſts* began with him in order to the making a *Presbyterian* Plot, which they would carry on to ſtifle the Noiſe of the *Popiſh* Plot. And ſo he concluded with a Proteſtation of his Innocence, telling the Jury, they were his Judges both in Law and Fact, and beſeeching them neither to be frightned nor flattered.

*Mr. Solicitor General.*

Repeated the Evidence for the King, and made his Obſervations upon it, and then anſwered the Evidence, and ſome Objections of *Colledge*'s ſide, *viz.*

1. Every man had the ſame Arms that *Colledge* had, and he had them long before. *Anſw.* But every man had them not with the ſame intent; nor do we pretend to prove when this traiterous intent firſt began, and how long this Deſign hath been a hatching: And if he had them firſt innocently, yet if he afterwards deſigned them for ſuch a purpoſe, and ſhewed them in a readineſs for it, that is ſufficient Evidence to prove this Treaſon.

2. The way from the Coffee-houſe to the *Crown*-Tavern without *Temple-bar* was ſo ſhort, that ſo much Diſcourſe as *Smith* ſwears, could not be had in ſo little a time. *Anſw.* Conſider how buſie a man he was, and how ready at talking of Treaſon, and you will not think, but that he might talk much more than this.

3. That this is a *Popiſh* Deſign to raiſe a new Plot, and caſt it upon the *Proteſtants*, and theſe Witneſſes are now to deny the Evidence they have given of the *Popiſh* Plot. *Anſw.* They do not deny it, but ſtand ſtill to the Evidence they have given: They are the Witneſſes the whole Nation hath given Credit to, and upon the Credit of *Dugdale* and *Turberville*, my Lord *Stafford* was impeached, and after ſo ſolemn a Trial, found guilty, and ſuffered for it: And if *Colledge* be a *Proteſtant*, yet he hath acted the part of a *Papiſt*, by vilifying the King, arraigning the Government, and throwing off all manner of Allegiance: And the Evidence of Dr. *Oates*, when he did firſt diſcover the Plot was, That the *Papiſts* had Emiſſaries among us to work us into a Diſlike of the Church, and by that means into a Rebellion againſt the State; and ſome were ſent abroad for that purpoſe, to preach at Conventicles; and without his Evidence, we may eaſily believe it: And if *Colledge* be not a *Papiſt*, nor any of thoſe Emiſſaries, yet he is not that good *Proteſtant* he pretends to be.

4. As to *Hickman*'s Evidence againſt *Haynes*, That he ſaid, 'twas his Trade to ſwear and get Money by it; and *Lun*'s and *Whaley*'s Evidence againſt *Haynes*: 'Twas ſtrange that *Haynes* ſhould talk ſo to *Lun* the firſt time he ever ſaw him; and Mr. *White* ſwears, that afterwards *Lun* did not

not know *Haynes*, but asked who he was: And *Haynes* his Evidence is ſo backed with the Evidence of other men, that the Evidence againſt *Haynes* hath not that weight, as to take off the Credit of what he hath ſaid upon his Oath.

5. As to Dr. *Oates* his Evidence againſt *Dugdale*, That he is a man of a very lewd Converſation, and had a foul Diſeaſe on him; the *Papiſts* have made theſe Objections againſt him, which could they have made out, they would have done it ere now: But this is the firſt time I have heard it from one that is a Witneſs of the *Popiſh* Plot, and pretends to ſtand up for the *Proteſtant* Religion; and this looks as if the Doctor were again returning to St. *Omers*.

6. As to that little hath been objected againſt *Turbervile*, Mr. *Broadgate* hath ſaid enough to confirm his Credit; how when he was tempted to renounce his Evidence againſt the *Papiſts*, he refuſed to do it.

7. As to what Dr. *Oates* ſaid to contradict *Smith* about his coming from the Coffee-houſe to *Wilcox*'s Dinner, he and Mr. *Smith* the Councellor do not agree in their Evidence; and indeed the Circumſtances upon which it ſtands, are both trivial, and impoſſible to be remembred, and there is nothing that contradicts *Smith* in his main Evidence; and if *Smith* and *Haynes* were out of the Caſe, there is Evidence ſufficient from *Dugdale* and *Turbervile*.

8. As for *Bolron*'s and *Mowbray*'s Evidence againſt *Smith*, about Sir *John Brooks*, their Teſtimony was different in point of Time: One ſaith, the 25*th*. of *July*, the other was poſitive the 3*d*. of *Auguſt*; and they have both been Evidence againſt ſeveral men, that have been accuſed of the *Popiſh* Plot, but they have been ſo unfortunate, as never to gain Credit with any Jury, though ſworn in their own Countrey where they are well known, whereas *Smith* hath been believed by the whole Court of Parliament.

9. Mr. Solicitor repeated what *Everard* ſaid, *viz.* That *Haynes* ſhould ſay, He ſwore for Self-preſervation; and that *Smith* ſhould ſay, He knew of no *Presbyterian* Plot; which (ſaid he) may be true, and yet it doth not contradict *Smith*'s Evidence againſt *Colledge*.

## Mr. Sergeant *Jefferies*.

Repeated ſome part of the Evidence for the King, and made his Obſervation upon it, and anſwered ſome Objections, *viz.*

1. As to what Dr. *Oates* ſaith againſt *Dugdale*, *Smith* and *Turbervile*, As ill men may become good men, ſo good men may become ill men: That if theſe men have not ſworn true, Dr. *Oates* muſt ſtand alone in the great Point of the *Popiſh* Plot: That upon theſe three mens Teſtimony, the Lives of ſo many as ſuffered, have been taken away; nor is it probable, that after they had ſworn againſt *Colledge*, they ſhould come and tell Dr. *Oates*, they were bribed off, and forſworn.

2. *Col-*

2. *Colledge* objects a Plot put upon the *Proteſtants* by *Iriſh*-men and *Papiſts*; whereas there is but one *Iriſh*-man (*Haynes*) and never a *Papiſt*, an Evidence here againſt him; and if *Haynes* were out of the Caſe, yet there is as great proof againſt the Priſoner as poſſibly can be.

3. As to the proof of his Loyalty and Religion, 'tis ſtrange he did not produce ſome of his later Acquaintance, and ſome of thoſe who knew him at *London*, but ſtretches backward 16 or 18 years ago.

Lord Chief Juſtice *North*, to the Jury.

There are two Conſiderations: The Force of the Evidence, and the Truth of it.

As to the Force of it, It hath been always reſolved, That by the Common Law, and by the Statute of 25 *Edw.* 3. Whoſoever ſhall imagine to depoſe or impriſon the King, is guilty of imagining the Death of the King; for never was any King depoſed or impriſoned, but with an intention to be put to death; but then this Imagination muſt be manifeſted by ſome overt-Act, upon the Statute of 25 *E.* 3. But upon that of the *13th.* of this King, if it be manifeſted by malicious and adviſed Speaking, 'tis ſufficient. This is as to the Charge: And as to the Law concerning that Charge, there muſt be two Witneſſes in the Caſe: Now there are ſix Witneſſes; the Evidence of two of them, Sir *William Jennings*, (that more Bloud would be loſt) and Mr. *Maſters*, (that the Priſoner may be a Colonel in time) go not to the Treaſon, yet infer the probability of the Treaſon, and that the Priſoner had ſome extraordinary Thoughts in his Heart. For the other four, *Stephen Dugdale*, *John Smith*, *Brian Haynes*, and *Edward Turbervile*, they are all of them, taking what they ſay to be true, very full Witneſſes. Two of them the Priſoner objects againſt, becauſe they ſpeak to nothing that was done in *Oxfordſhire*; but *Turbervile* and *Dugdale* ſpeak to what was ſaid in *Oxfordſhire*. Now if you believe any one of theſe Witneſſes, as to what was ſaid in *Oxford*, and any of them, as to what was ſaid in *London*, relating to the ſame Fact of Treaſon, they will be two good Witneſſes to maintain the Indictment: For if a Treaſon be committed in two Counties, it is in the King's Election, where he will exhibit the Indictment, and the Evidence from both Counties is good Evidence.

As to the Truth of it, the Evidence hath been too long for me to repeat; but I ſhall refer to your own Memories and Notes. You are to mind nothing that the King's Councel, or the Priſoner have ſaid, farther than as it hath been proved: For the Proofs produced for the Priſoner, That he was bred a *Prooteſtant*, and hath been an honeſt man, and that they knew no ill by him, they are of little weight in this Caſe; for any man may produce Witneſſes that can ſay as much, unleſs he hath committed Treaſon to the know-

knowledge of all the World; therefore the Queſtion will lye upon the Credit of the Witneſſes produced for the King barely, and you are to weigh them in the Ballance againſt the Witneſſes produced againſt them.

Now for *Dugdale* and *Turbervile*, the two moſt material Witneſſes, relating to what was ſpoken in *Oxfordſhire*, I do not remember, (but your own Notes muſt guide you) that there was any very material thing ſaid againſt them, except by Dr. *Oates*, about *Dugdale*'s being preſſed to ſwear againſt his Conſcience; and much of the ſame kind againſt *Turbervile*; That he ſaid, He was deſerted, and would not ſtarve: And he ſaith too of *Smith*, that he ſaid, God damn the Goſpel; which if true, is a great Reflection upon the Credit of *Smith*. But they all three deny what Dr. *Oates* teſtifies; and the thing it ſelf is improbable, that they ſhould voluntarily at ſeveral times come to this one man, and declare themſelves Rogues and Villains: But if it were probable, here are three mens Oaths againſt one mans Affirmation. This as to what concerns *Dugdale* and *Turbervile*: As to *Bryan Haynes*, and *John Smith*, you have had many Witneſſes produced againſt them; 'tis your Duty to weigh their Teſtimony, and I leave it to your Conſideration.

Then *Colledge* told my Lord, He wiſhed he would look upon his Notes, and he would then find there much more Evidence than he had repeated againſt *Turbervile* and *Dugdale*: My Lord anſwered, If there were, he referr'd it to the Memory of the Jury, he could remember no more.

The Jury withdrew, and after about half an hour, found the Priſoner *Guilty*.

The Court adjourned; and being met again, Mr. *Aaron Smith* entred into a Recognizance of 500 *l.* to appear the firſt day of the next Term in the Court of *Kings-Bench*.

Then it was demanded of the Priſoner, what he had to ſay, why the Court ſhould not give Judgement. The Priſoner again aſſerted his Innocence.

But my Lord Chief Juſtice told him, That the Proofs were full, and if there had been leſs Proof, it would have ſerved the turn, (as he made his Defence) to make any one believe him guilty: He ſaid, It was wonder when the Priſoner called ſo many Witneſſes, to his Religion and Reputation, that none of them gave an Account, that he had received the Sacrament, or had been ſeen at Church theſe many years, or what kind of *Proteſtant* he was: That although in his words he had violently cried out againſt *Popery*, and the *Papiſts*, yet his Actions ſavoured rather to promote the *Papiſts* Ends: And then he that would juſtifie the late horrid Rebellion, and the conſequent of that, the Murder of the beſt King in the World, if there were the ſame Circumſtances, would do the ſame thing again.

My Lord further told him, He expected he ſhould have ſaid, He went armed to *Oxon* for his own defence, as a Traveller, and went with his Friends to accompany them out of Town, and defend them

from Robbery: But instead of that, he said, He went to guard the Parliament, who (my Lord said he believed) sent not for, or intended to have any Guard, nor thought they had need of any: And said, He wondred how it came into the Prisoner's Head to go to guard them; and if all men of the Prisoner's condition should have gone to have guarded the Parliament, what an Assembly had there been? Then he spake of *Massaniello*, *Wat Tyler*, and *Jack Straw*.

And concluded, That because the Prisoner declared himself innocent, he thought himself bound to declare, in vindication of the Countrey, and of the Justice of the Court, that it was a Verdict well given, and to the satisfaction of the Court: And so gave Sentence upon the Prisoner, to be *Drawn, Hanged and Quartered.*

Which Sentence was executed on *Wednesday* the 31*st.* of *August*, 1681. over against the Gate of the Castle at *Oxford.*

---

*FINIS.*

---